

SENATE BILL NO. 475

INTRODUCED BY L. LARSON

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING LICENSURE AND REGULATION OF INDUSTRIAL SCAFFOLD ERECTORS; PROVIDING DEFINITIONS AND QUALIFICATIONS; ESTABLISHING DUTIES OF THE DEPARTMENT OF LABOR AND INDUSTRY; PROVIDING PENALTIES FOR ERECTING INDUSTRIAL SCAFFOLDS WITHOUT A LICENSE; AND AMENDING SECTION 50-77-101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 5], the following definitions apply:

(1) "Department" means the department of labor and industry provided for in 2-15-1701.

(2) "Industrial scaffold" means a scaffold used in the construction of property that is used in the extraction, production, distribution, or processing of raw materials to make the raw materials change form.

(3) (a) "Scaffold" means a platform that is temporarily elevated above 6 feet and that is used on a construction site to support a person, material, or both. The term includes the supporting structure and a ladder or other equipment that is the exclusive route of access to the scaffold.

(b) The term does not include any other ladder or other mobile construction equipment.

(4) "Scaffold erector" means an individual who combines the component parts of scaffolds into the finished scaffold.

NEW SECTION. **Section 2. License required -- qualifications -- procedure.** (1) A scaffold erector who builds industrial scaffolds must have a license issued by the department under [sections 1 through 5].

(2) An applicant for a scaffold erector's license shall demonstrate that the applicant:

(a) is at least 18 years of age;

(b) has completed 20 hours of training on regulations issued by the U.S. occupational safety and health administration on scaffold construction and maintenance; and

(c) has completed at least 12 hours of practical training or an apprenticeship that includes 12 hours of practical training involving the construction of two or more types of scaffolds, including tube and coupler scaffolds,

1 outrigger scaffolds, two-point suspension scaffolds, welded frames, or system scaffolds.

2 (3) An applicant for a scaffold erector's license shall submit an application in a form determined by the
3 department by rule and shall pay an application fee.

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5 **NEW SECTION. Section 3. Unlawful to construct industrial scaffolds without license.** (1) It is
6 unlawful to knowingly construct industrial scaffolds in this state without a license.

7 (2) An individual who is convicted of constructing industrial scaffolds without a license is guilty of a
8 misdemeanor and shall be fined no less than \$100 or more than \$500 or be imprisoned in the county jail for a
9 term not to exceed 60 days, or both.

10 (3) A contractor who knowingly hires an unlicensed individual to construct industrial scaffolds is guilty
11 of a misdemeanor and upon conviction is subject to the penalties provided in subsection (2).

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13 **NEW SECTION. Section 4. Renewal.** A licensee under [section 2] shall renew a license every 4 years
14 by taking a refresher course addressing regulations issued by the U.S. occupational safety and health
15 administration and submitting proof to the department of having erected industrial scaffolds in the past 3 years.

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17 **NEW SECTION. Section 5. Department duties -- rulemaking -- fees.** The department shall:

18 (1) establish procedures to hear complaints of violations of this chapter and [sections 1 through 5];

19 (2) issue a pocket card to each licensed industrial scaffold erector indicating the licensee's name, the
20 license number, and the period for which the licensee is licensed. Upon the licensee renewing the license, the
21 department shall issue a new pocket card.

22 (3) adopt rules to implement [sections 1 through 5] and set fees for licensing and renewal of licenses.

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24 **Section 6.** Section 50-77-101, MCA, is amended to read:

25 **"50-77-101. Scaffolds -- definition -- safety practices -- liability.** (1) As used in this part, "scaffold"
26 or "scaffolding" means a temporarily elevated platform and its supporting structure that is used on a construction
27 site to support a person, material, or both. The term includes a ladder or other equipment that is the exclusive
28 route of access to the scaffold but does not include any other ladder or other mobile construction equipment.

29 (2) Employers and employees shall follow safety practices commonly recognized in the construction
30 industry as well as applicable state and federal occupational safety laws.

1 (3) An individual erecting an industrial scaffold, as defined in [section 1], must be licensed as provided
2 under [section 2].

3 ~~(3)~~(4) Subject to the comparative negligence principles provided in Title 27, chapter 1, part 7, a
4 contractor, subcontractor, or builder who uses or constructs a scaffold on a construction site is liable for damages
5 sustained by any person who uses the scaffold, except a fellow employee or immediate employer, when the
6 damages are caused by negligence of the contractor, subcontractor, or builder in the use or construction of the
7 scaffold.

8 ~~(4)~~(5) If a person dies from an injury caused by the negligent use or construction of a scaffold, the right
9 of action survives and may be prosecuted and maintained by the decedent's heirs or personal representatives."
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11 NEW SECTION. Section 7. Codification instruction. [Sections 1 through 5] are intended to be codified
12 as an integral part of Title 50, chapter 77, and the provisions of Title 50, chapter 77, apply to [sections 1 through
13 5].
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